

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

State of Ohio, : Case No. 1:21-cv-388
: :
Plaintiff, : :
: : Judge Susan J. Dlott
v. : : Magistrate Judge Stephanie K. Bowman
: :
Durand E. Murrell, : : **Order Adopting Report and**
: : **Recommendation**
Defendant. : :
: :

This matter is before the Court on the Magistrate Judge's Report and Recommendation dated August 10, 2021 (Doc. 4) and Defendant's objections (Doc. 5).

The Court has reviewed and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court hereby **ADOPTS** the Report and Recommendation in that the Court lacks subject matter jurisdiction over Defendant's state court case.

Accordingly, it is hereby **ORDERED** that this case is **REMANDED** to the Butler County Area III court from which it was improperly removed. Defendant is **DENIED** a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would not be taken in good faith and therefore should not be permitted to proceed *in forma pauperis*.

IT IS SO ORDERED.

Dated: August 30, 2021

S/Susan J. Dlott

District Judge Susan J. Dlott
United States District Court